27

28

2

3

4

Annette W. Jarvis, Utah Bar No. 1649 RAY QUINNEY & NEBEKER P.C.

36 South State Street, Suite 1400

Salt Lake City, Utah 84145-0385 Telephone: (801) 532-1500

P.O. Box 45385

Case Nos. BK-S-06-10725 LBR Case Nos. BK-S-06-10726 LBR Case Nos. BK-S-06-10727 LBR Debtor. Case Nos. BK-S-06-10728 LBR Case Nos. BK-S-06-10729 LBR

Chapter 11

Debtor.

Debtor.

Debtor.

Debtor.

- 1 -

Jointly Administered Under Case No. BK-S-06-10725 LBR

DECLARATION OF THOMAS J. **ALLISON IN SUPPORT OF MOTION** TO AUTHORIZE DEBTOR USA COMMERCIAL MORTGAGE COMPANY AS LOAN SERVICER TO ACCEPT PAYMENTS AND PROVIDE RECONVEYANCES FOR TWO COLT **GATEWAY LOANS [AFFECTS DEBTORS USA COMMERCIAL** MORTGAGE COMPANY AND USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC

Date of Hearing: March . 2007

914573

☐ USA First Trust Deed Fund, LLC

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

Time of Hearing:	9:30	a.m.
------------------	------	------

- I, Thomas J. Allison, hereby declare, verify and state as follows:
- I am the President and Chief Restructuring Officer of Debtor USA Commercial Mortgage Company ("USACM"). I am also the Manager and Chief Restructuring Officer of Debtor USA Capital Diversified Trust Deed Fund, LLC ("Diversified"). I make this Declaration in support of the "Motion To Authorize Debtor USA Commercial Mortgage Company as Loan Servicer to Accept Payments and Provide Reconveyances for Two Colt Gateway Loans" that is being filed by USACM (the "Motion").
- 2. Since April 13, 2006, I have been the Court-approved chief restructuring officer of USACM and Diversified and have had access to USACM's and Diversified's books and records.
- 3. This Declaration is based upon my personal knowledge or, if so stated, upon information and belief.
  - 4. The Motion requests that the Court authorize USACM to do the following:
- A. Authorize USACM to accept payments of two loans (the "Colt Gateway Loans") that are owed by Borrower Colt Gateway LLC ("Colt Gateway"). One of the Colt Gateway Loans is being serviced by USACM for three Direct Lenders, one of which is Debtor Diversified. The second Colt Gateway Loan is owed to USACM as the sole Direct Lender under such loan.
- B. Authorize USACM to provide and authorize reconveyances for the Colt Gateway Loans that are being paid.
- 5. Colt Gateway has an outstanding loan obligation currently being serviced by USACM (the "Colt Gateway #1 Loan") that is evidenced by that certain Note dated December 22, 2002, as modified in July 2003, for an original principal loan amount of Eight Million Seven Hundred Thousand Dollars (\$8,700,000) ("Note 1"). Note 1 is secured by a lien established against real property of Colt Gateway in the City of Hartford, Hartford County, Connecticut, by that certain Mortgage Deed and Security Agreement dated as of December 22, 2002, recorded on January 24, 2003, and modified on July 9, 2003, recorded on August 1, 2003, all in the Hartford

914573 - 2 -